

REMARKS

This is a full and timely response to the Office Action mailed on November 22, 2006. The present application has 12 claims with claim 1 being an independent claim. Reexamination and reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(e)

Claims 1-2, 5-7 and 10-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0172028 to Abell et al. Abell is generally directed to a system for authorization of payment for a commercial transaction via a Bluetooth enabled device. Although Abell is directed towards generic transaction payment, it provides a limited discussion of a vending machine system operable in conjunction with its alleged invention. To effectuate a purchase at a vending machine 709 in the system described by Abell, the consumer first approaches the vending machine and makes a phone call on a Bluetooth enabled cell phone 711. Via the phone call, the consumer is connected to a background system and an associated server 703. (*See* para. 0041).

Next, the background server 703 initiates billing authorization via the consumer's cellular contract provider. During the call, the consumer's Bluetooth ID associated with the Bluetooth enabled cell phone 711 is transferred to the background server 703. The vending machine 709 next operates to detect the Bluetooth ID from the consumer's cell phone 711. If the background system approves the purchase, the background server 703 transfers confirmation information including the consumer's Bluetooth ID to the vending machine 709. After the vending machine 709 receives purchase approval from the background server 703, the vending machine 709 then may forward purchase information

via a personal area network 701 to the consumer's Bluetooth enabled device 711. (*See* para. 0041-0042).

Abell does not teach a "wireless access point" as described in independent Claim 1 of the present application. The wireless access point in the present application allows a consumer's device to **access** the network with which the product container communicates. For example, a consumer interacting with the product container described in Claim 1, wherein the product container was connected to the Internet, would be able to use their device to access the Internet as well. The only communication between a device and the product container discussed in Abell is when the product container transmits the purchase information to the device after a purchase is completed, and when the product container pulls the Bluetooth ID from the device. In fact, Abell teaches away from this sort of communication by requiring the consumer to contact a remote background infrastructure and server, separate from the product container to effectuate a sale of a product. The wireless access point described in the present application allows for direct two-way communication between the product container and its associated network and the consumer's device without the requirement of first connecting to a third system to approve such communication.

There also exist separate means to find many of the dependent claims independently patentable over Abell. For example, dependent claim 2 makes it specific that the consumer's device is provided wireless access to the Internet through the product container. As Abell teaches away from provided a consumer's device with transmitting capabilities directly to the product container and the corresponding network, it stands to

reason that Abell would be inoperable to allow Internet access through the product container.

Similarly, Abell does not provide for a product container operable to connect with a content server via the network interface as required by dependent Claim 5. As described in the present specification, the content server is capable of transmitting many types of digital media including audio and video that the product container is capable of presenting to the consumer. The only data transmitted to the product container in Abell is the consumer's Bluetooth ID and a status alert as to whether the purchase is approved or rejected. Also, Abell nowhere discusses any data ever being presented to the consumer from the product container. For these same reasons dependent claim 7 of the present application is also independently patentable as it requires the content received from the content server be displayed by an output device on the product container.

Dependent Claims 11 and 12 are also independently patentable over the teachings of Abell. Claims 11 and 12 require a product container further comprising a sensor operable to identify the presence of a person near the product container. In Abell, the only way for a product container to initially detect a consumer is that the consumer initiates contact by dialing into a background system, and the back system subsequently notifies the product container if a sale has been approved or not. The product container of Abell would have no information about the location of the consumer as the consumer could initiate a transaction from a far remote location. Alternatively, the sensor of the present application can identify the presence of a **potential** consumer based on the consumer's proximity to the product container. This allows the product container to provide active marketing towards the potential consumer.

The Applicant respectfully submits that independent claim 1 is patentable over the cited prior art. Therefore, as a matter of law, dependent claims 2-12 are patentable subject matter. Furthermore, regardless of the patentability of independent claim 1, dependent claims 2, 5, 7, and 11-12 are independently patentable over the cited prior art.

Rejections under 35 U.S.C. §103(a)

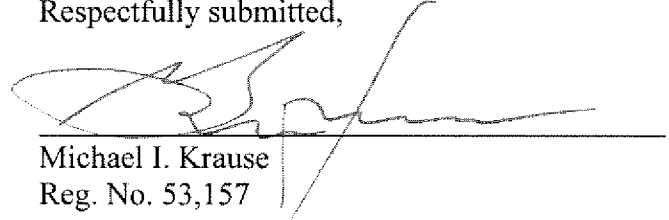
Applicant notes the Examiner's rejection of dependent claims 3-4 and 8-9 under 103(a) grounds. Applicant respectfully believes that the above arguments for the patentability of Independent Claim 1 make these rejections moot.

CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that all pending claims in the present application are in condition for allowance. It is believed that all outstanding objections and/or rejections have been rendered moot, accommodated and/or traversed. If the Examiner is compelled to do other than allow all the pending claims, or has any comments or suggestions that will place the application in even better form for allowance, the Examiner is respectfully requested to contact the undersigned attorney. Any questions may be directed to the undersigned at 404.853.8285.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may be otherwise provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael I. Krause", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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